

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

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|----------------------------|---|-----------------------|
| MARK JOSEPH STAGGS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | NO. 1:09-0074 |
| |) | Judge Campbell/Bryant |
| LEWIS COUNTY JAIL, et al., |) | |
| |) | |
| Defendants. |) | |

TO: The Honorable Todd J. Campbell

REPORT AND RECOMMENDATION

By order entered November 17, 2009, the Court granted plaintiff's application to proceed in forma pauperis and instructed the Clerk to send the plaintiff a service packet for defendant Carroll. The Court ordered the plaintiff to complete the service packet and return it to the Clerk's Office within 20 days of the date of service of the order. The order further forewarned the plaintiff that his failure to return the completed service packet within the time prescribed could jeopardize the prosecution of the action (Docket Entry No. 8).

From the record, it appears that the mail containing the service packet, addressed to the plaintiff, was signed for by Tracy Fransen on November 20, 2009 (Docket Entry Nos. 10 and 11).

After the plaintiff failed to return the completed service packet as ordered by the Court, the undersigned Magistrate Judge entered an order to show cause requiring the plaintiff to show cause on or before January 29, 2010, why his complaint should

not be dismissed for his failure to return the completed service packet as ordered (Docket Entry No. 12). This order further admonished the plaintiff that his failure to respond to this order may cause the undersigned Magistrate Judge to recommend that his complaint be dismissed.

From the record it appears that the order to show cause, addressed to the plaintiff, has been returned to the Clerk's Office by the Post Office marked "return to sender-attempted not known, unable to forward." (Docket Entry Nos. 14 and 15).

RECOMMENDATION

It appears that plaintiff has failed to return the completed service packet for defendant Carroll as ordered by the Court, and the record further suggests that plaintiff has failed to keep the Clerk informed of his current mailing address. For these reasons, the undersigned Magistrate Judge **RECOMMENDS** that the complaint be **DISMISSED** without prejudice for failure to follow orders of the Court.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days from service of this Report and Recommendation in which to file any written objections to this Recommendation, with the District Court. Any party opposing said objections shall have fourteen (14) days from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within

fourteen (14) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986).

ENTERED this 11th day of February 2010.

s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge